

REMARKS

Claims 63-68 are pending in this application. By this Amendment, Applicants have amended claims 65 and 67. Reconsideration of the above identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections Under 35 U.S.C. § 102:

In the Office Action, claims 65-68 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,018,652 to Frager et al. ("Frager"). Claims 65 and 67 are independent.

Applicants' invention, as defined by amended claim 65, is directed to a method for a mobile radio terminal, the method comprising the steps of:

receiving data related to a communication charge from a first carrier;

calculating the communication charge for the first carrier in the mobile radio terminal in accordance with the data received in said receiving step;

switching from the first carrier to a second carrier during communication in the first carrier; and

storing, in the mobile radio terminal, the communication charge calculated by said calculating step, wherein the communication charge is based on the time until the first carrier is switched to the second carrier after the communication is started.

In Frager, the network determines a charging rate based upon a subscriber's location and alerts the subscriber of a new rate. Frager, however, does not disclose the network calculating a "communication charge", as required by amended claim 65. Rather, in Frager, the network is disclosed as simply calculating a charging rate and, at most, creating a call record. Accordingly, Applicants respectfully submit that amended claim 65 is not anticipated by Frager for at least this reason. In addition, Applicants have amended claim 65 to positively recite the

phrase “mobile radio terminal” in the body of that claim in connection with the recited steps of calculating and storing a communication charge. Applicants respectfully submit that the performance of the foregoing in a mobile radio terminal is neither taught nor suggested by Frager. Thus, claim 65 is not anticipated by Frager for this additional reason.

Amended claim 67 contains limitations similar to those found in amended claim 65, and thus, is allowable for at least the same reasons as set forth above in urging the allowance of claim 65.

Rejections Under 35 U.S.C. § 103:

In the Office Action, claims 63 and 64 were rejected under 35 U.S.C. §103 as being unpatentable over Frager in view of U.S. Patent No. 6,408,174 to Steijer. Claim 63 is independent.

Applicants’ invention, as defined by claim 63 is directed to a mobile radio terminal comprising:

receiving means for receiving data related to a communication charge from a first carrier;

calculating means for calculating the communication charge for the first carrier in accordance with the data received by said receiving means;

switching means for switching from the first carrier to a second carrier during communication in the first carrier; and

storing means for storing the communication charge calculated by said calculating means, wherein the communication charge is based on the time until the first carrier is switched to the second carrier after the communication is started.

In the Office Action, the Examiner agrees that the phrase “mobile radio terminal”, which appears in the preamble of claim 63, needs to be given patentable weight. In giving it such weight, the Examiner maintains that Frager discloses all of the recited means and functions of claim 63, although not in a single mobile radio terminal. The Examiner contends, however, that in view of Steijer, it would have been obvious to one of ordinary skill in the art to modify Frager to include all of the recited means and functions in a single mobile radio terminal “for the purpose of saving system resources by having a single device to perform critical functions (See Steijer, col. 3, lines 44-47).” Applicants respectfully disagree.

Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to modify Frager in view of Steijer to arrive at the present invention as defined by claim 63. As indicated above, in Frager, the network determines a charging rate based upon a subscriber’s location and alerts the subscriber of the new rate. In Steijer, a communication device can calculate a tariff for a call using time-of-day based tariff information provided by a central station. The Examiner states that the communication device of Steijer calculates charges from different systems and switches between different systems. (Citing 3/35 – 4/14 and 3/10-34 and Fig. 3 of Steijer) However, although a communication device in Steijer may receive information from different base stations, Steijer discloses such base stations as being connected solely to a single mobile switching center (MSC), and thus, Steijer is directed to a single carrier environment, unlike Applicants’ invention as defined by claim 63. Therefore, in Steijer, the tariffs are those of a single carrier and those tariffs vary depending upon the time of day rather than upon the location of the communication device.

In describing the operation of his system, Steijer emphasizes that information for use in calculating a tariff should be sent to each communication device at the time of call set-up,

rather than to every communication device within the control station's coverage area at a predefined time of day when a tariff change occurs. By not sending such information to every communication device at the predefined time of day and allowing each communication device to perform tariff calculations, Steijer teaches that "significant processing resources at the MSC 22 can be saved". (Steijer, 3/44-47; see also 2/49-56)

The operation of the system of Steijer, however, is entirely inapposite with, and fundamentally different from, the operation of the system of Frager. In Frager, a charging rate is updated based upon a change in a subscriber's location, and thus, in direct contrast to Steijer, is updated at the time of a tariff change. Nevertheless, Frager is not subject to the same central system processor resource hardships addressed by Steijer since Frager is not confronted with having to perform calculations for, and notify all subscribers of, new tariff information at a predefined time of day at which a tariff change occurs. In Frager, at any point in time, only a subscriber who has entered a new charging area needs to be provided with an updated charging rate and have calculations performed therefor. Thus, the very reason for off-loading tariff calculations into the communication device of Steijer is simply not applicable to the system of Frager.

Accordingly, Applicants respectfully submit that one of ordinary skill in the art at the time of the present invention would not have been motivated by Steijer to move the means and functions recited in claim 63 from the network of Frager into a single mobile radio terminal, as required by claim 63.

For each of the foregoing reasons, Applicants respectfully submit that claim 63 is clearly patentable over the combination of Frager and Steijer.

Dependent Claims:

Applicants do not believe it necessary at this time to address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to address those rejections in the future should such a response be deemed necessary and appropriate.

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

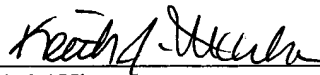
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4604. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4604. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: August 22, 2005

By: _____



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